

MEMORANDUM

NATIONAL SECURITY COUNCIL

7091

ACTION

September 26, 1972

MEMORANDUM FOR MR. KISSINGER

FROM:

Helmut Sonnenfeldt

SUBJECT:

Handling of Soviet Non-Use of Force Resolution
in the UN

The Soviets have now completed the preliminaries for introducing a General Assembly Resolution on the renunciation of the use of force and the prohibition of the use of nuclear weapons. They have made oral demarches to us and other UN members seeking support and have left the usual aide memoire. Under normal circumstances, the Soviet item would go to the First Committee, where the debate will occur, as it did last year on their World Disarmament Conference item.

Given the nature and intent of the Soviet proposal we can expect certain fireworks between the Chinese and the Soviets in the debate. The question is what position the United States should take.

Thus far the Department of State, without White House clearance, has, as expected, issued totally negative instructions with the following points (Tab A):

- the proposed Soviet resolution will not add anything to the UN Charter;
- restating Charter language tends to detract from the Charter, if the language varies;
- we have strong reservations about calling on the Security Council to make GA Resolutions binding;
- injection of this issue into the Security Council is likely to result in an acrimonious debate and harm the Council's effectiveness (sic);
- we are "concerned" about Gromyko's proposed exception to the effect that people of "oppressed colonial countries" could legitimately use all available means;

CLASSIFIED BY W. Hyland.
SUBJECT TO GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
AUTOMATICALLY DOWNGRADED AT TWO
YEAR INTERVALS AND DECLASSIFIED ON DEC 31, 1980

By 8-18-06 Date
Authority 2012958

-- we think the way to make recourse to force less likely is to pursue genuine and constructive negotiations.

These are standard debating points, but clearly negative. Presumably, this is the line we will take in any debates, but how we might vote is another matter. We would probably abstain, if there is no further guidance from the White House, and might support it if there is wide support in the GA.

The problem is that by taking a negative line we tend to range ourselves on the side of the opponents who, in addition to the Chinese, may be quite small in number and oppose a proposition that is certain to pass, at least in the GA.

On the other hand, it would be too cynical to support the Soviet proposal, which, though probably harmless as a UN resolution, accomplishes little and has some anti-Chinese overtones.

One way out may be to use the constitutional argument that the Security Council not be involved, and in the debate take the position that we support the idea and principle but see no need for further reiteration by the General Assembly. We could indicate that we will abstain, if the item proves contentious in debate.

In any case, we need guidance on how you want to handle it:

1. By requesting cables for clearance:

-- this runs certain risks and is tiresome, but the most direct way of controlling the tactics.

2. By asking for a position paper and holding an SRG:

-- this allows the establishment of control, through post SRG NSDM, etc., but takes some time and will probably yield no new ideas.

3. Issuing instructions now on how to deal with it along the lines described above (i. e., relative neutralism with the intention of abstaining).

RECOMMENDATION

That you indicate how you prefer to proceed:

~~SECRET~~

~~SECRET~~

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1. Clear cables _____
2. Ask for SRG paper ✓
3. Issue directive now _____

Concurrence: Rondon *RP*

~~SECRET~~



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ORIGIN 10-13

INFO OCT-01 EUR-20 EA-11 ACDA-19 AEC-11 AF-10 ARA-11

CIAE-00 DODE-00 PM-08 H-02 INR-06 L-03 NASA-04 NEA-10

NSAE-00 NSC-10 OIC-04 OST-01 P-03 PRS-01 RSC-01

GAC-01 SCI-05 SS-14 MBFR-03 USIA-12 /184 R

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9/21/72 20572

APPROVED BY UNP:JAARMITAGE

UNP - MCINTYRE

L/UNA - JWILLIS

DOD/ISA - DANDERSON (INFORMED)

EUR/RPM - HUMPHREYS

M/DCA - SHAW

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK PRIORITY

USMISSION NATO

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY TOKYO

USMISSION GENEVA

STATE 173183

SUBJ: SOVIET UN INITIATIVE ON NON-USE OF FORCE

1. USSR HAS REQUESTED ADDITION TO UNGA AGENDA OF
ITEM "NON-USE OF FORCE IN INTERNATIONAL RELATIONS AND PER-
MANENT PROHIBITION OF THE USE OF NUCLEAR WEAPONS". IN
CALL ON ASSISTANT SECRETARY DE PALMA, SOVIET EMBASSY
MINISTER COUNSELOR VORONTSOV SAID USSR WANTS UNGA TO ADOPT
RES BANNING USE OF FORCE AND ALL TYPES OF WEAPONS - CONVEN-
TIONAL AS WELL AS NUCLEAR. MOREOVER, ACCORDING TO

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VORONTSOV, SOVS ENVISAGE REQUEST FOR SC DECISION MAKING
UNGA RES BINDING ON ALL UN MEMBER STATES.

2. FOR USUN: IN DISCUSSING USSR INITIATIVE WITH OTHER
UNGA DELS, YOU SHOULD DRAW ON GUIDANCE PARA 4 BELOW AS
APPROPRIATE.

3. FOR USNATO: SEPTELS REPORTING VORONTSOV-DE PALMA
CONVERSATION AND TEXT OF SOV AIDE MEMOIRE ON NON-USE OF
FORCE INITIATIVE BEING REPEATED TO YOU. SHOULD SUBJECT
BE RAISED BY NATO COLLEAGUES YOU MAY DRAW ON BOTH TELS --
AS WELL AS GUIDELINES IN EXPLAINING US POSITION.

4. GUIDELINES FOLLOW:

(A) WE DO NOT SEE HOW PROPOSED SOV RES CAN ADD ANYTHING
USEFUL TO WHAT IS ALREADY CONTAINED IN UN CHARTER WHICH

DRAWS DISTINCTION BETWEEN USE OF FORCE FOR INDIVIDUAL
AND COLLECTIVE DEFENSE, WHICH IS LEGITIMATE, AND FOR
AGGRESSION, WHICH IS NOT.

(B) WE SEE DRAWBACKS IN EFFORTS TO RESTATE CHARTER
LANGUAGE IN UN RESES. IF WORDING DEPARTS AT ALL FROM
CHARTER LANGUAGE, THEN IT TENDS TO DETRACT FROM CHARTER.
IF IT DOES NOT DEPART, THEN IT ADDS NOTHING.

(C) WE HAVE PARTICULARLY STRONG RESERVATIONS ABOUT CALL-
ING ON SECURITY COUNCIL TO MAKE SUCH UNGA DECLARATION
BINDING ON ALL MEMBER STATES. THIS WOULD POSE SERIOUS
CONSTITUTIONAL PROBLEMS UNDER CHARTER. UNDER RELEVANT
CHARTER ARTICLES, SECURITY COUNCIL HAS POWER TO MAKE BIND-
ING DECISIONS TO MAINTAIN PEACE AND SECURITY WITH RESPECT
TO SPECIFIC SITUATIONS OF THREAT OR BREACH OF THE PEACE;
COUNCIL DOES NOT HAVE POWER TO ESTABLISH GENERAL RULES
OF CONDUCT BINDING ON ALL MEMBERS, MUCH LESS TOPURPORT
TO REVISE CHARTER TREATY OBLIGATIONS FOR ALL MEMBERS.

(D) ALSO, INJECTION OF THIS PROJECT INTO SECURITY
COUNCIL WOULD LIKELY RESULT IN ACRIMONIOUS DISPUTE
AND COULD THEREBY HARM COUNCIL'S EFFECTIVENESS.

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(E) WE ARE PARTICULARLY CONCERNED ABOUT EXCEPTION MADE BY GROMYKO IN HIS EXPLANATION OF PROPOSED AGENDA ITEM, TO EFFECT THAT PEOPLE OF "OPPRESSED COLONIAL COUNTRIES", AMONG OTHERS, COULD LEGITIMATELY USE ALL AVAILABLE MEANS TO CARRY ON THEIR STRUGGLE. THIS CREATES ENORMOUS LOOP-HOLE WHICH WOULD BE DANGEROUS AND SUBJECT TO MISUSE, FOR EXAMPLE BY TERRORIST ORGANIZATIONS.

(F) WE THINK WAY TO MAKE RECOURSE TO FORCE LESS LIKELY IS TO PURSUE GENUINE AND CONSTRUCTIVE NEGOTIATIONS TO RESOLVE OUTSTANDING SPECIFIC DISPUTES AND TO ACHIEVE CONCRETE ARMS LIMITATION MEASURES. EFFORTS TOWARD BROAD REFORMULATION OF EXISTING CHARTER PROVISIONS WOULD NOT HELP TO SOLVE SPECIFIC PROBLEMS.

GDS ROGERS

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